

111TH CONGRESS
2D SESSION

H. R. 6040

To establish the Maumee Valley National Heritage Area in Ohio and Indiana,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Ms. KAPTUR introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To establish the Maumee Valley National Heritage Area in
Ohio and Indiana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Maumee Valley Na-
5 tional Heritage Area Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

8 (1) establish the Maumee Valley National Her-
9 itage Area in the States of Indiana and Ohio;

1 (2) pursue implementation of remaining rec-
2 ommendations of the Vision for Maumee Valley
3 Stewardship prepared by the National Park Service
4 in 1996;

5 (3) raise awareness of the national significance
6 of the Maumee Valley;

7 (4) promote heritage, cultural, and recreational
8 tourism, and to develop relevant educational and cul-
9 tural programs for visitors, residents and the general
10 public;

11 (5) recognize and interpret important events
12 representing the role of the many Native Americans,
13 European Americans, African-Americans, Hispanic
14 Americans and other immigrants who populate the
15 Valley;

16 (6) provide a management framework to foster
17 close working partnerships with all levels of govern-
18 ment, the private sector, and local communities in
19 the region; and

20 (7) provide appropriate leadership and linkages
21 between units of the National Park System and
22 communities, State and local governments, and area
23 organizations with similar missions.

24 **SEC. 3. FINDINGS.**

25 Congress finds the following:

1 (1) The Maumee River Valley is a distinctive
2 landscape that preserves a rich, nationally signifi-
3 cant cultural heritage. The events that transpired in
4 the Maumee Valley in the 18th and early 19th cen-
5 turies were critical to the Nation’s transformation
6 from wilderness to Nation. The clash of cultures be-
7 tween Native peoples and Euro-Americans that took
8 place here helped define United States history dur-
9 ing its formative years.

10 (2) Humans have occupied the Maumee Valley
11 for 12,000 years. By the 1770s, one of the largest
12 Native American villages in North America,
13 Kiihkayonki (Kekionga), was located at the head-
14 waters of the Maumee River at Ft. Wayne. This re-
15 gion was the home of Miami, Wyandot, Delaware,
16 Shawnee, Ottawa, and Potawatomi, Kickapoo, and
17 Chippewa Indian tribes.

18 (3) Native American tribes and confederations,
19 France, Britain, colonial militias, and United States
20 armies under President Washington’s orders all vied
21 with one another for control of the Maumee Valley
22 as it became the crucible of an emerging Nation.
23 Legendary Native Americans Pontiac, Tecumseh,
24 Little Turtle, and Blue Jacket challenged the Amer-
25 ican military presence under Anthony Wayne, Wil-

1 liam Henry Harrison, and William Clark. The
2 Maumee Valley was the target of three unsuccessful
3 invasions of the United States by the British and
4 their Indian allies, leading the way to a treaty that
5 created long-lasting peace between the United States
6 and Canada along the longest unguarded boundary
7 in the world.

8 (4) Historic settlements such as Kekionga and
9 strategic outposts along the Maumee River, includ-
10 ing Fort Wayne, Fort Defiance, Fort Winchester,
11 Fort Meigs, and Fort Miamis (a British fort on
12 United States soil), and the Fallen Timbers Battle-
13 field.

14 (5) In 1999, Congress and the National Park
15 Service recognized the national significance of the
16 Maumee Valley's early military history by design-
17 ating Fallen Timbers Battlefield and Fort Miamis
18 as affiliated units of the National Park System.

19 (6) The Maumee Valley's abundance of natural
20 resources has also been widely recognized, and its
21 network of rivers provided the key transportation
22 system to the interior, and later aided construction
23 and operation of the second longest canal in the
24 world by the 1840s. The Maumee River was des-
25 ignated a State Scenic and Recreational River by the

1 Ohio Department of Natural Resources in the
2 1960s. More recently, the vast Oak Openings region
3 is recognized on the Nature Conservancy's list of
4 Last Great Places on Earth for its numerous endan-
5 gered species. In 1999, the Ohio Department of
6 Transportation designated portions of the Maumee
7 Valley as a State Scenic Byway. And in 2000, the
8 Maumee Valley was one of the first three places des-
9 ignated as an Ohio Heritage Area by the Ohio De-
10 partment of Development. Once covered by the
11 Great Black Swamp, it now contains some of the
12 richest farmland in the world.

13 (7) The Maumee Valley Heritage Area includes
14 the counties of Allen, Indiana, and Paulding, Defi-
15 ance, Henry, Wood and Lucas, Ohio. Many local, re-
16 gional, and State agencies and organizations, includ-
17 ing the Maumee Valley Heritage Corridor, Inc., the
18 Metropolitan Park District of Toledo, and the Allen
19 County/Fort Wayne Historical Society have shown
20 the desire and ability to work with Federal agencies
21 to protect, preserve, and enhance the resources
22 found within the Maumee Valley that reflect this
23 unique heritage.

24 (8) As the largest river flowing into the Great
25 Lakes, the Maumee River is known for its ecological,

1 political, and historical importance in a region with
2 84 percent of our Nation’s fresh water and over 20
3 percent of the world’s freshwater resource.

4 **SEC. 4. DEFINITIONS.**

5 In this Act:

6 (1) HERITAGE AREA.—The term “Heritage
7 Area” means the Maumee Valley National Heritage
8 Area, established in section 5.

9 (2) LOCAL COORDINATING ENTITY.—The term
10 “local coordinating entity” means the local coordi-
11 nating entity for the Heritage Area designated by
12 section 5(d).

13 (3) MANAGEMENT PLAN.—The term “manage-
14 ment plan” means the management plan for the
15 Heritage Area required by section 7.

16 (4) MAP.—The term “map” means the map en-
17 titled “Maumee Valley National Heritage Area, Pro-
18 posed Boundary” numbered T16/80,001 and dated
19 September 2008.

20 (5) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (6) STATE.—The term “State” means Ohio and
23 Indiana.

1 **SEC. 5. MAUMEE VALLEY NATIONAL HERITAGE AREA.**

2 (a) ESTABLISHMENT.—There is established the
3 Maumee Valley National Heritage Area in Ohio and Indi-
4 ana.

5 (b) BOUNDARIES.—The National Heritage Area shall
6 be comprised of the following, as depicted on the map: the
7 Maumee River and Valley including the counties of Lucas,
8 Wood, Henry, Defiance, and Paulding in Ohio, and Allen
9 County in Indiana.

10 (c) AVAILABILITY OF MAP.—The map shall be on file
11 and available for public inspection in the appropriate of-
12 fices of the National Park Service, Department of the In-
13 terior, and the Maumee Valley Heritage Corridor, Inc.

14 (d) LOCAL COORDINATING ENTITY.—The Maumee
15 Valley Heritage Corridor, Inc. shall be the local coordi-
16 nating entity for the Heritage Area.

17 **SEC. 6. DUTIES AND AUTHORITIES OF THE LOCAL COORDI-**
18 **NATING ENTITY.**

19 (a) DUTIES OF THE LOCAL COORDINATING ENTI-
20 TY.—To further the purposes of the Heritage Area, the
21 local coordinating entity shall—

22 (1) prepare and submit a management plan for
23 the Heritage Area to the Secretary in accordance
24 with section 7;

25 (2) assist units of local government, regional
26 planning organizations, and nonprofit organizations

1 in implementing the approved management plan
2 by—

3 (A) carrying out programs and projects
4 that recognize, protect, and enhance important
5 resource values within the Heritage Area;

6 (B) developing recreational and edu-
7 cational opportunities in the Heritage Area;

8 (C) increasing public awareness of and ap-
9 preciation for natural, historical, scenic, and
10 cultural resources of the Heritage Area; and

11 (D) promoting a wide range of partner-
12 ships among governments, organizations and in-
13 dividuals to further the purposes of the Herit-
14 age Area;

15 (3) include the interests of diverse units of gov-
16 ernment, businesses, organizations, and individuals
17 in the Heritage Area in the preparation and imple-
18 mentation of the management plan;

19 (4) submit an annual report to the Secretary
20 for any fiscal year for which the local coordinating
21 entity receives Federal funds under this Act, setting
22 forth its accomplishments, expenses, and income,
23 amounts and sources of matching funds, the
24 amounts leveraged with Federal funds and sources

1 of such leveraging, and grants made to any other en-
2 tities during the fiscal year;

3 (5) make available for audit for any fiscal year
4 in which it receives Federal funds under this Act all
5 information pertaining to the expenditure of such
6 funds and any matching funds, and require in all
7 agreements authorizing expenditures of Federal
8 funds by other organizations that the receiving orga-
9 nizations make available for such audit all records
10 and other information pertaining to the expenditure
11 of such funds; and

12 (6) encourage by appropriate means economic
13 development that is consistent with the purposes of
14 the Heritage Area.

15 (b) AUTHORITIES.—The local coordinating entity
16 may, subject to the prior approval of the Secretary, for
17 the purposes of preparing and implementing the manage-
18 ment plan for the Heritage Area, use Federal funds made
19 available under this Act to—

20 (1) make grants to political jurisdictions, non-
21 profit organizations and other interested parties
22 within the Heritage Area;

23 (2) enter into cooperative agreements with or
24 provide technical assistance to political jurisdictions,

1 nonprofit organizations, Federal agencies, and other
2 interested parties;

3 (3) hire and compensate staff;

4 (4) obtain funds or services from any source in-
5 cluding other Federal programs;

6 (5) contract for goods or services; and

7 (6) support activities of partners and any other
8 activities that further the purposes of the Heritage
9 Area and are consistent with the approved manage-
10 ment plan.

11 (c) PROHIBITION ON THE ACQUISITION OF REAL
12 PROPERTY.—The local coordinating entity may not use
13 Federal funds received under this Act to acquire real prop-
14 erty.

15 **SEC. 7. MANAGEMENT PLAN.**

16 (a) IN GENERAL.—The management plan for the
17 Heritage Area shall—

18 (1) describe comprehensive policies, goals, strat-
19 egies, and recommendations for telling the story of
20 the region's heritage and encouraging long-term re-
21 source protection, enhancement, interpretation,
22 funding, management, and development of the Her-
23 itage Area;

1 (2) take into consideration existing State, coun-
2 ty, and local plans in the development of the man-
3 agement plan and its implementation;

4 (3) include a description of actions and commit-
5 ments that governments, private organizations, and
6 citizens will take to protect, enhance, and interpret
7 the natural, historic, scenic, and cultural resources
8 of the Heritage Area;

9 (4) specify existing and potential sources of
10 funding or economic development strategies to pro-
11 tect, enhance, interpret, fund, manage, and develop
12 the Heritage Area;

13 (5) include an inventory of the natural, histor-
14 ical, cultural, educational, scenic, and recreational
15 resources of the Heritage Area related to the stories
16 and themes of the region that should be protected,
17 enhanced, managed, or developed;

18 (6) recommend policies and strategies for re-
19 source management including, but not limited to, the
20 development of intergovernmental and interagency
21 agreements to protect the Heritage Area's natural,
22 historical, cultural, educational, scenic, and rec-
23 reational resources;

24 (7) describe a program of implementation for
25 the management plan including: performance goals;

1 plans for resource protection, enhancement, and in-
2 terpretation; and specific commitments for imple-
3 mentation that have been made by the local coordi-
4 nating entity or any government, organization, busi-
5 ness, or individual;

6 (8) include an analysis and recommendations
7 for ways in which local, State, tribal and Federal
8 programs may best be coordinated, including the
9 role of the Department of the Interior, specifically
10 the National Park Service and the U.S. Fish and
11 Wildlife Service, and other Federal agencies associ-
12 ated with the Heritage Area, to further the purposes
13 of this Act;

14 (9) include an interpretive plan for the Heritage
15 Area; and

16 (10) include a business plan that—

17 (A) describes the role, operation, financing,
18 and functions of the local coordinating entity
19 and of each of the major activities contained in
20 the management plan; and

21 (B) provides adequate assurances that the
22 local coordinating entity has the partnerships
23 and financial and other resources necessary to
24 implement the management plan for the Herit-
25 age Area.

1 (b) DEADLINE AND TERMINATION OF FUNDING.—

2 (1) DEADLINE.—The local coordinating entity
3 shall submit the management plan to the Secretary
4 for approval within 3 years from the date when any
5 funds are made available for this purpose after des-
6 ignation as a Heritage Area.

7 (2) TERMINATION OF FUNDING.—If the man-
8 agement plan is not submitted to the Secretary in
9 accordance with this subsection, the local coordi-
10 nating entity shall not qualify for any additional fi-
11 nancial assistance under this Act until such time as
12 the management plan is submitted to and approved
13 by the Secretary.

14 **SEC. 8. DUTIES AND AUTHORITIES OF THE SECRETARY.**

15 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

16 (1) IN GENERAL.—The Secretary may, upon
17 the request of the local coordinating entity, provide
18 technical and financial assistance on a reimbursable
19 or nonreimbursable basis (as determined by the Sec-
20 retary) to the Heritage Area to develop and imple-
21 ment the management plan.

22 (2) PRIORITY ACTIONS.—In assisting the Herit-
23 age Area, the Secretary shall give priority to actions
24 that in general assist in—

1 (A) conserving the significant natural, his-
2 torical, cultural, and scenic resources of the
3 Heritage Area; and

4 (B) providing educational, interpretive, and
5 recreational opportunities consistent with the
6 purposes of the Heritage Area.

7 (3) COOPERATIVE AGREEMENTS.—The Sec-
8 retary is authorized to enter into cooperative agree-
9 ments with the local coordinating entity and other
10 public or private entities for the purposes of carrying
11 out this subsection.

12 (b) APPROVAL OF MANAGEMENT PLAN.—

13 (1) REVIEW.—The Secretary shall approve or
14 disapprove the management plan not later than 90
15 days after receiving the management plan.

16 (2) CONSULTATION.—The Secretary shall con-
17 sult with the Governor of any State and tribal gov-
18 ernment in which the Heritage Area is located prior
19 to approving any management plan.

20 (3) CRITERIA FOR APPROVAL.—In determining
21 the approval of the management plan, the Secretary
22 shall consider whether—

23 (A) the local coordinating entity will be
24 representative of the diverse interests of the
25 Heritage Area, including governments, natural

1 and historic resource protection organizations,
2 educational institutions, businesses, community
3 residents, and recreational organizations;

4 (B) the local coordinating entity has af-
5 firmed adequate opportunity for public and gov-
6 ernmental involvement, including workshops
7 and public meetings, in the preparation of the
8 management plan;

9 (C) the resource protection and interpreta-
10 tion strategies contained in the management
11 plan, if implemented, would adequately protect
12 the natural, historical, and cultural resources of
13 the Heritage Area;

14 (D) the management plan would not ad-
15 versely affect any activities authorized on Fed-
16 eral or tribal lands under applicable laws or
17 pursuant to land use plans;

18 (E) the Secretary has received adequate
19 assurances from the appropriate State, tribal
20 and local officials whose support is needed to
21 ensure the effective implementation of the
22 State, Tribal, and local aspects of the manage-
23 ment plan; and

1 (F) the local coordinating entity has dem-
2 onstrated the financial capability, in partner-
3 ship with others, to carry out the plan.

4 (4) ACTION FOLLOWING DISAPPROVAL.—If the
5 Secretary disapproves the management plan, the
6 Secretary shall advise the local coordinating entity in
7 writing of the reasons and may make recommenda-
8 tions for revisions to the management plan. The Sec-
9 retary shall approve or disapprove a proposed revi-
10 sion not later than 90 days after the date it is re-
11 submitted.

12 (5) APPROVAL OF AMENDMENTS.—Substantial
13 amendments to the management plan shall be re-
14 viewed by the Secretary and approved in the same
15 manner as provided for in the original management
16 plan. The local coordinating entity shall not use
17 Federal funds authorized by this Act to implement
18 any amendments until the Secretary has approved
19 the amendments.

20 (c) EVALUATION.—

21 (1) IN GENERAL.—Not later than 3 years be-
22 fore the date on which authority for Federal funding
23 terminates for the Heritage Area, the Secretary shall
24 conduct an evaluation of the accomplishments of the
25 Heritage Area and prepare a report with rec-

ommendations for the National Park Service’s future role, if any, with respect to the Heritage Area.

(2) EVALUATION COMPONENTS.—An evaluation prepared under paragraph (1) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) RECOMMENDATIONS.—Based upon the evaluation under paragraph (1), the Secretary shall prepare a report with recommendations for the National Park Service’s future role, if any, with respect to the

1 Heritage Area. If the report recommends that Fed-
2 eral funding for the Heritage Area be reauthorized,
3 the report shall include an analysis of—

4 (A) ways in which Federal funding for the
5 Heritage Area may be reduced or eliminated;
6 and

7 (B) the appropriate time period necessary
8 to achieve the recommended reduction or elimi-
9 nation.

10 (4) SUBMISSION TO CONGRESS.—On completion
11 of a report under paragraph (3), the Secretary shall
12 submit the report to—

13 (A) the Committee on Energy and Natural
14 Resources of the Senate; and

15 (B) the Committee on Natural Resources
16 of the House of Representatives.

17 **SEC. 9. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

18 (a) IN GENERAL.—This Act shall not affect the au-
19 thority of any Federal official to provide technical or fi-
20 nancial assistance under any other law.

21 (b) CONSULTATION AND COORDINATION.—The head
22 of any Federal agency planning to conduct activities that
23 may have an impact on the Heritage Area is encouraged
24 to consult and coordinate the activities with the Secretary
25 and the local coordinating entity to the extent practicable.

1 (c) OTHER FEDERAL AGENCIES.—Nothing in this
2 Act—

3 (1) modifies, alters, or amends any law or regu-
4 lation authorizing a Federal agency to manage Fed-
5 eral land under the jurisdiction of the Federal agen-
6 cy;

7 (2) limits the discretion of a Federal land man-
8 ager to implement an approved land use plan within
9 the boundaries of the Heritage Area; or

10 (3) modifies, alters, or amends any authorized
11 use of Federal land under the jurisdiction of a Fed-
12 eral agency.

13 **SEC. 10. PROPERTY OWNERS AND REGULATORY PROTEC-**
14 **TIONS.**

15 Nothing in this Act shall be construed to—

16 (1) abridge the rights of any property owner,
17 whether public or private, including the right to re-
18 frain from participating in any plan, project, pro-
19 gram, or activity conducted within the Heritage
20 Area;

21 (2) require any property owner to permit public
22 access (including Federal, State, tribal, or local gov-
23 ernment access) to such property or to modify any
24 provisions of Federal, State, tribal, or local law with
25 regard to public access or use of private lands;

1 (3) alter any duly adopted land use regulations
2 or approved land use plan or any other regulatory
3 authority of any Federal, State, or local agency, or
4 tribal government or to convey any land use or other
5 regulatory authority to any local coordinating entity;

6 (4) authorize or imply the reservation or appro-
7 priation of water or water rights;

8 (5) diminish the authority of the State to man-
9 age fish and wildlife, including the regulation of fish-
10 ing and hunting within the Heritage Area; or

11 (6) create any liability, or affect any liability
12 under any other law, of any private property owner
13 with respect to any persons injured on such private
14 property.

15 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There is authorized to be appro-
17 priated for the purposes of this Act \$15,000,000, of which
18 not more than \$1,000,000 shall be made available for any
19 fiscal year.

20 (b) MATCHING FUNDS.—Federal funding provided
21 under this Act may not exceed 50 percent of the total cost
22 of any assistance or grant provided or authorized under
23 this Act. Recipient matching funds—

24 (1) must be from non-Federal sources; and

1 (2) may be made in the form of in-kind con-
2 tributions of goods and services fairly valued.

3 **SEC. 12. SUNSET.**

4 The authority of the Secretary to provide financial
5 assistance under this Act shall terminate on the day occur-
6 ring 15 years after the date of enactment of the Act.

○